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| 10/682,444 | 10/09/2003 | Patrick C. St. Germain | SSS-106 | 9792 |
| <div>7590 OLSON & HIERL, LTD. 36th Floor 20 North Wacker Drive Chicago, IL 60606</div> | | | | |
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| EXAMINER | | | | |
| TAWFIK, SAMEH | | | | |
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| 3721 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,444

Applicant(s)

GERMAIN, PATRICK C. ST.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/00)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hermach (U.S. Patent No. 3,942,782).

Hermach discloses an apparatus for interfolding at least two sheets of material for forming a web of interfolded sheets of material, the apparatus comprising: a) at least two dispensers preforming sheets of material (Fig. 2; via 26A-26C and 22A-22C) to provide at least one longitudinally extending fold line and at least one fold respectively; and b) an interfolder downstream from said dispensers and comprising a pair of co-acting folding rolls (Fig. 2; via folding rollers 38) for receiving there-between preformed sheet material from each of the dispensers and producing interfolded sheets of material (via receiving the longitudinal folded sheets to further fold the sheets cross wise; column 5, lines 9-14).

Note that broadly considering the claimed “interfolder” for producing “interfolded sheets of material” could be nothing more than folding the folded sheets stacked on top of each other to form the claimed “interfold”, see for example (Fig. 5 and column 5, lines 9-14; via stacked folded sheets further folded cross wise by the folding rollers 38 to form the interfold).

Regarding claim 14: knife roll to cut the sheets (Fig. 2; via cutting cylinder 37).

Regarding claim 16: wherein the dispensers are folding boards (Fig. 2; via former folders 26A-26C and 22A-22C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13-16 alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Stemmler (U.S. Patent No. 5,088,707) in view of Hermach (U.S. Patent No. 3,942,782).

Stemmler discloses an apparatus for interfolding at least two sheets of material for forming a web of interfolded sheets of material, the apparatus comprising at least two dispensers providing sheets of material (Figs. 1-3; via W1 and W2); an inter-folder downstream from the dispensers and comprising a pair of folding rollers for receiving preformed sheet material from each of the dispensers and producing interfolded sheets of material (Figs. 1-3; via folding rollers 12 and 13).

Stemmler does not disclose performing dispensers to provide at least one longitudinally extending fold line and at least one fold respectively. However, Hermach discloses a similar apparatus comprising means for dispensing two different sheets and longitudinally folding the sheets (Fig. 2; via 26A-26C and 22A-22C).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler's folding apparatus by having the longitudinal folds to the sheets, as suggested by Hermach, in order to improve the apparatus for

associating and folding the respective sections of multi sectioned, bulky newspapers (column 2, lines 1-4).

Regarding claim 13: Stemmler discloses that the sheets of material respectively include a plurality of spaced apart transversely extending perforation lines (column 2, lines 50-52).

Regarding claim 14: Stemmler discloses that knife rolls between the dispensers and the folding rolls for clean cutting the interfolded sheets of material (Figs. 1-3; via cutting rollers 30).

Regarding claim 15: Stemmler discloses that perforating rolls perforating the interfolded sheets of material (column 12, lines 21 and 22).

Regarding claim 16: Stemmler does not disclose that the dispensers are folding boards. However, Hermach discloses a similar apparatus with having the dispensers serving as folding boards (Fig. 2; via 26A-26C and 22A-22C).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler's folding apparatus by having the dispenser being folding boards, as suggested by Hermach, in order to improve the apparatus for associating and folding the respective sections of multi sectioned, bulky newspapers (column 2, lines 1-4).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stemmler (U.S. Patent No. 5,088,707) in view of Hermach (U.S. Patent No. 3,942,782) as applied to claim 11 above, and further in view of DuFresne (U.S. Patent No. 4,824,426).

Stemmler in view of Hermach do not disclose the claimed double "c" shaped fold as described in page 3 lines 29-31 and page 4, lines 1 and 2 of the filed specification of the invention. However, DuFresne discloses such "c" shaped folds as seen in Fig. 3.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler in view of Hermach folding apparatus, by folding means to fold the sheet to the double fold “c” type, as suggested by DuFresne, in order to provide a starter tab for manual grasping to remove the web segments from a container (column 1, lines 66-68).

Response to Arguments

Applicant's arguments filed 05/27/2008 have been fully considered but they are not persuasive.

Applicant argues that the applied reference of Hermach '782 does not disclose an apparatus for interfolding, no interfold done by '782. The examiner maintains that the claimed “interfold” is not a scientific known term, further the way it is been described in the filed specification nothing more than forming a longitudinal fold to continuous sheet and further forming another transverse fold (filed specification, page 4, lines 15-22).

Therefore, as been disclosed above in the rejection broadly considering the claimed “interfold” in light of the way it is been identified in the filed specification is nothing more than forming a longitudinal fold on sheets and further forming a transverse fold along the longitudinal folds, which is exactly been disclosed and shown in '782.

In response to applicant's argument of the alternative 103 rejection, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner maintains that both applied references of '707 and 782 are related to the same art of folding continuous sheet, which make it obvious to use one's teaching and suggestions to improve the other. *Note that the examiner has provided a motivation to combine the references as been disclosed above in the action.*

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721

ST.